

Kansas Register

Bill Graves, Secretary of State

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Department of Health and Environment

Notice of Hearing

The Kansas Department of Health and Environment has prepared a proposed Kansas water pollution control permit for the Lewis R. Lewis & Family confined swine feeding operation located near Lebo. The proposed permit would allow an expansion of the facility to 3,600 head. The proposed permit was placed on Public Notice No. KS-AG-94-78/80 dated August 25, 1994 through September 23, 1994. As a result of this notice, significant public interest in the proposed permit has been ex-

pressed. Therefore, a public hearing has been scheduled in conformance with Kansas Administrative Regulation 28-16-61.

A public hearing on the Kansas Department of Health and Environment's intention to issue the proposed permit has been scheduled for 7 p.m. Tuesday, December 6, at the Lebo Senior Citizens Building, corner of Ogden and Broadway, Lebo. The Secretary of Health and Environment will make a final permit decision after consideration of all comments received and of all requirements of state statutes and regulations.

Robert C. Harder Secretary of Health and Environment

Doc. No. 015529

State of Kansas

Legislature

Interim Committee Schedule

The following committee meetings have been scheduled during the period of October 31 through November 13:

Date	Room	Time	Committee	Agenda
November 3	On Tour	9:00 a.m.	Kansas Council on Privatization	Emporia State University, Memorial Union Building, Kanza Room, second floor.
November 9 November 10		10:00 a.m. 9:00 a.m.	Health Care Reform Legislative Oversight Committee	Agenda not available.
November 9 November 10	123-S 123-S	10:00 a.m. 9:00 a.m.	Joint Committee on Pensions, Investments and Benefits	Agenda not available.

Emil Lutz Director of Legislative Administrative Services

Doc. No. 015534

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Board of Technical Professions

Notice of Meeting

The State Board of Technical Professions will meet Friday, December 2, at the Landon State Office Building, 900 S.W. Jackson, Topeka. The Professional Engineer and Land Surveyor Committee will meet in Conference Room 108-N at 8:30 a.m., and the Architect and Landscape Architect Committee will meet in Room 506-N at 11 a.m. The full board will meet at approximately 1 p.m. at the conclusion of the committee meetings. There will also be a public hearing to consider proposed rules and regulations at 3:30 p.m. The meetings are open to the public.

Betty L. Rose Executive Director

Doc. No. 015536

State of Kansas

Board of Technical Professions

Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted at 3:30 p.m. Friday, December 2, in Room 108-N, Landon State Office Building, 900 S.W. Jackson, Topeka, to consider the adoption of proposed permanent rules and regulations

of the Board of Technical Professions.

This 30-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed regulations. All interested parties may submit written comments prior to the hearing to the Board of Technical Professions, Suite 507, Landon State Office Building, 900 S.W. Jackson, Topeka 66612. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes.

There is no fiscal impact as a result of the adoption of the following regulations. The following is a brief summary of the substance of the proposed regulations:

Article 6.—PROFESSIONAL PRACTICE

K.A.R. 66-6-1(c)(d)(e) and (g) - Seal. This regulation is being revised to state that the licensee's seal is *not* required on original drawings, documents, technical reports, legal descriptions, records, and papers prepared by or under the direct supervision of a licensee, if the project is exempt from the requirements of licensure.

The other revision to this regulation requires that licensees of all technical professions endeavor to ensure that drawings and specifications as instruments of service remain the property of the licensee, and that those drawings and specifications are not utilized for other projects not contemplated at the time of the completion of the drawings and specifications.

K.A.R. 66-6-4(q) - Rules of professional conduct. The revision in this regulation requires each licensee to re-

port any alleged violation of the statutes and rules and regulations of the board, rather than only reporting alleged violations of the board's rules of professional conduct.

K.A.R. 66-6-8 and 66-6-9 - License renewals. The revision in these regulations changes the language to be consistent with the statute in stating that an individual or corporate license that has failed to pay the renewal fee by the expiration date will be sent a second notice. If the renewal fee is not paid within 60 days of the expiration date, then the license or certificate of authorization will be cancelled.

Article 7.—APPLICATIONS

K.A.R. 66-7-3 - Denial of initial application of license. This is a new regulation which sets forth certain additional conditions that the board shall consider in denying an initial application for licensure.

Article 10.—EXPERIENCE

K.A.R. 66-10-1 - Architectural experience of a character which is satisfactory to the board. Language has been deleted that set forth the work experience requirements prior to the adoption of the intern development program (IDP) in January 1994.

K.A.R. 66-10-3 - Architectural experience required of a reciprocity applicant. This regulation has been modified to clarify that applicants applying for an architectural license by reciprocity are required to provide proof of completion of the intern development program (IDP), if their original license was granted after January 1, 1994.

K.A.R. 66-10-4 - Landscape architectural experience of a character which is satisfactory to the board. This regulation sets forth the experience requirements for landscape architects and states that the experience record for landscape architects must be compiled and transmitted by the Council of Landscape Architectural Registration Boards (CLARB). Additionally, the applicant must provide references from at least three licensed landscape architects.

K.A.R. 66-10-9 - Engineering experience of a character which is satisfactory to the board. This regulation is being modified to clarify that an engineering applicant's experience is required to be verified by the applicant's supervisor.

Other various grammatical changes or changes appropriate to format are also being made in K.A.R. 66-8-4, 66-10-5, 66-10-10, 66-10-10a, 66-10-11, 66-10-12, 66-11-

3 and 66-12-1.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Betty Rose at (913) 296-3053.

Copies of the full text of the regulations and the fiscal impact statement may be obtained by contacting the Board of Technical Professions at the address and phone

number given above.

Betty L. Rose Executive Director

Real Estate Appraisal Board

Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted at 10 a.m. Friday, December 2, in the second floor conference room of the Columbian Title Building, 820 S. Quincy, Topeka, to consider the adoption of amendments to K.A.R. 117-6-1, 117-6-2, 117-7-1 and 117-8-1.

This 30-day notice of public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed regulations. All interested parties may submit written comments prior to the hearing to the Kansas Real Estate Appraisal Board, Columbian Title Building, 820 S. Quincy, Suite 314, Topeka 66612. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes.

The regulations are proposed for adoption on a permanent basis. A summary of the proposed regulations and economic impact follows:

K.A.R. 117-6-1 is adopted so it will be possible for an individual/provider to get a course approved for continuing education credit after completion of the course. This regulation is not mandated by federal law. There is no anticipated fiscal impact on appraisers, other governmental units, private citizens or consumers, and no anticipated costs to state agencies as a result of the amendment.

K.A.R. 117-6-2 is adopted so the appraiser will be required to take additional Uniform Standards of Professional Appraisal update, after becoming licensed/certified. This regulation is not mandated by federal law. There is no anticipated fiscal impact on appraisers, other governmental units, private citizens or consumers, and no anticipated costs to state agencies as a result of the amendment.

K.A.R. 117-7-1 is adopted so annual fees can be reduced and an applicant who upgrades a current license/certificate will not be required to pay an additional license/certification fee. This regulation is not mandated by federal law. There is no anticipated fiscal impact on appraisers, other governmental units, private citizens or consumers.

K.A.R. 117-8-1 is adopted so that all licensed/certified appraisers will be required to follow the most current addition of Uniform Standards of Professional Appraisal Practice. There is no anticipated fiscal impact on appraisers, other governmental units, private citizens or consumers, and no anticipated costs to state agencies as a result of the amendment.

Copies of the regulations and their economic impact statement may be obtained from the Kansas Real Estate Appraisal Board at the address above, (913) 296-0706.

> Michael K. Haynes Director

Doc. No. 015525

State of Kansas

Office of the State Treasurer

Notice of Investment Rates

The following rates are published in accordance with K.S.A. 1993 Supp. 75-4210, as amended. These rates and their uses are defined in K.S.A. 75-4201(1), 12-1675(b)(c)(d) and 75-4209(a)(1)(B), as amended.

Effective 10-31-94 through 11-6-94

Term		Rate
0-90 days		4.70%
3 months		5.03%
6 months		5.62%
9 months		5.94%
12 months		6.16%
18 months	The second second	6.53%
24 months	the state of the state of	6.77%
36 months		7.09%
48 months		7.32%

Sally Thompson State Treasurer

Doc. No. 015528

State of Kansas

State Corporation Commission

Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted at 9 a.m. Thursday, December 1, in the Conservation Division hearing room, Wichita State Office Building, 130 S. Market, Room 2078, Wichita, to consider the adoption of proposed permanent regulations for the conservation of crude oil and natural gas.

The 30-day notice period from the date of this publication to the date of the public hearing constitutes a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. Comments may be submitted to John McCannon, Assistant General Counsel, State Corporation Commission, Wichita State Office Building, 130 S. Market, Room 2078, Wichita 67202.

Copies of the proposed regulations and the economic impact statements may be obtained at the Wichita address. Persons requesting a copy of the proposed regulations and economic impact statements, in accordance with K.S.A. 45-129, will be required to compensate the commission for the cost of reproduction. All interested parties will be given a reasonable opportunity at the hearing to present their views orally or in writing in regard to the adoption of the proposed regulations.

All written or oral comments submitted by interested parties on or before December 1 will be considered by the commission as a basis for making changes to these proposed permanent regulations.

The following is a brief summary of the proposed regulations and economic impact statements:

K.A.R. 82-3-101. These amendments add definitions for "artesian pressure," "course ground bentonite," "confining layer," "core hole," "exploratory hole," and

"seismic shot hole" and amends the definition of "stratigraphic hole" in order to clarify new and amended rules and regulations pertaining to seismic operations.

Economic Impact: The new definitions will have no economic impact.

K.A.R. 82-3-103. This amendment adds "stratigraphic or core holes" to the regulation. These holes will now require the filing and approval of a notice of intent to drill before the well is commenced. The amendment also imposes a penalty of not less than \$250 or more than \$1000 for failure to notify the district prior to spudding a well.

Economic Impact: There is no significant economic impact associated with the implementation of this amendment for either the agency or industry.

K.A.R. 82-3-106. The amendment to this regulation incorporates changes to the Eastern Kansas Surface Casing Order, Docket No. 133,891-C, issued by the commission June 29, 1994.

Economic Impact: The changes made to the plugging requirements should reduce the cost to industry by an average of \$200 per well. There is no economic impact on the agency.

K.A.R. 82-3-115. This amendment deletes the reference to "seismic." The deleted language has been more appropriately located in a new regulation covering plugging methods and procedures for seismic holes. This amendment also refers an operator to the requirements of K.A.R. 82-3-113 regarding notification of the plugging of each core and stratigraphic hole. In addition, this amendment revises the methods and procedure for the plugging of core and other stratigraphic holes and adds the use of coarse ground bentonite as a plugging agent.

Economic Impact: The use of coarse ground bentonite as a plugging agent will increase the cost of plugging, as there is essentially no material cost at present. The additional cost will be about \$9 per bag of coarse ground bentonite with the average use of four bags per hole. In this case, the additional cost will be about \$100 per hole. The minimum increased cost per hole will be \$25 dollars and the maximum will be \$200 per hole. The agency's increased cost will be for testing a limited number of holes and processing additional paper work.

K.A.R. 82-3-115a. This new regulation sets out the requirements for giving written notice of intention to drill seismic shot holes to the Conservation Division. No drilling shall commence before the Conservation Division has approved the notice of intention to drill. The regulation provides a \$1000 penalty for violations.

Economic Impact: There is no significant economic impact associated with the implementation of this amendment.

K.A.R. 82-3-115b. This new regulation sets out the methods and procedures for plugging seismic shot holes, as well as penalties for failure to comply and the fees for the plugging of seismic holes.

Economic Impact: The use of coarse ground bentonite as a plugging agent will increase the cost of plugging seismic shot holes, as there is essentially no material cost

at present. The additional cost will be about \$9 per bag with the average use of four bags per hole. In some cases, it will be necessary to drill out the hole prior to plugging. In this case, the additional cost will be about \$100 per hole. The minimum increased cost per hole will be \$25 dollars and the maximum will be \$200 per hole. The agency's increased cost will be for drill testing a limited number of holes and processing the paper work.

K.A.R. 82-3-116. The amendment removes seismic holes from this regulation. The plugging report to be filed for seismic holes is now contained in new regulation K.A.R. 82-3-115b. The regulation was reworded for clarity.

Economic Impact: There will be no economic impact on either the agency or industry.

K.A.R. 82-3-120. The amendment makes operators or contractors that drill any well for exploratory purposes subject to licensing requirements of the regulation. The amendment also reduces the license fee from \$100 to \$25 for those persons who operate one gas well which is used strictly for the purpose of heating a residence.

Economic Impact: Making operators or contractors who drill exploratory wells subject to licensing will increase their cost \$100 per year plus \$25 per rig. This is the cost of the initial licence fee and yearly renewal fee. Operators with one gas well used only for residential purposes will have a reduction in their license fee from \$100 to \$25. There will be no economic impact to the agency.

K.A.R. 82-3-300. The amendment to this regulation allows a gas well in a prorated common source of supply to be granted an allowable without filing an application, if the well is in conformance with all the provisions of the applicable basic proration order. Before the allowable can be assigned, the commission must furnish the following:

1. a request for the allowable on a form prescribed by the commission;

2. an acreage plat verifying the location of the well and acreage to be attributed to the well; and

3. the results of the state-supervised test.

Gas wells in prorated common sources of supply that require an exception to a provision of the applicable basic proration order will continue to require the filing of an application before the commission may assign an allowable.

Economic Impact: The amendment will result in cost savings to industry by eliminating the necessity of filing an application for allowable and publishing notice in cases where an exception to a basic proration order is not required. There will be a slight savings to the agency by eliminating some paper work.

Judith McConnell Executive Director

Health Care Data Governing Board

Notice of Meeting

The Health Care Data Governing Board will meet from 11:30 a.m. to 1:30 p.m. Wednesday, November 2, at the Kansas Medical Society Building, 623 S.W. 10th, Topeka. The meeting is open to the public. Any person requiring visual or communication aid or assistance, building access assistance or other similar assistance should contact Dr. Lou Saadi at (913) 296-5639 so appropriate arrangements can be made.

> Robert C. Harder Secretary of Health and Environment

Doc. No. 015533

State of Kansas

Department of Health and Environment

Notice Concerning Variance Request From **Hazardous Waste Regulations**

The Kansas Department of Health and Environment is providing public notice that on September 8, 1994, Allco Chemical Corporation, Galena, submitted a request for renewal of a variance from specific hazardous waste regulations. The request for a variance was submitted in accordance with K.A.R. 28-31-13(a)

The variance is requested from K.A.R. 28-31-4(g)(1) and 40 CFR 265.176, which require the storage of containers holding ignitable hazardous waste must be located at least 15 meters (50 feet) from the facility's property line.

Allco operates a chemical manufacturing facility that primarily produces two chemical compounds which are used in epoxy resins and as coolant for electrical equipment. Small quantities of ignitable hazardous waste are generated during the manufacture of these chemicals. These wastes are temporarily stored prior to disposal in a permanent building located 30 feet from Allco's property line. No structures are within 50 feet of the building. The variance is requested because storage of the wastes 50 feet or more from the property line would require Allco to construct a new storage building. KDHE has reviewed this request and has concluded that the variance is justified. Therefore, KDHE has made a tentative decision to grant renewal of the variance.

In accordance with K.A.R. 28-31-13(b), public notice is being provided of this decision. Copies of the variance request will be available for public review until November 26 from 8 a.m. to 4:30 p.m. weekdays at the KDHE, Building 740, Forbes Field, Topeka, and at the KDHE District Office, 1500 W. 7th, Chanute.

Comments concerning this variance request may be directed to Candy Williamson, Hazardous Waste Section, KDHE, Building 740, Topeka 66620. Comments must be submitted in writing prior to November 26. Requests for additional information may be made by contacting KDHE at (913) 296-1600.

Upon the written request of any interested person, a public meeting may be held to consider comments on this tentative decision. The person requesting a meeting shall state the issues to be raised and shall explain why written comments would not suffice to communicate the person's views. If a decision is made to conduct a public meeting, a separate public notice detailing the date and place of a public meeting will be issued.

After evaluating all public comments, a final decision shall be made by the secretary and a notice of the final decision shall be published in the Kansas Register. If approved, any conditions or time limitations needed to comply with all applicable state or federal laws or to protect human health or safety or the environment shall be specified by the secretary. A date upon which the variance will no longer be valid shall be prescribed in the final decision.

> Robert C. Harder Secretary of Health and Environment

Doc. No. 015531

State of Kansas

Department of Health and Environment

Notice of Proposed Permit Action

The Secretary of Health and Environment is proposing to issue an air emission source construction permit in accordance with K.A.R. 28-19-14 (permits required) to Norton County Solid Waste to install and operate a municipal-waste incinerator at the Norton County landfill.

Written materials, including the permit application and information relating to the application submitted by Norton County Solid Waste, draft permit, permit summary and analysis by KDHE describing the basis for the proposed permit are available for public inspection during normal business hours through November 28 by contacting Richard Robinson, District Air Quality Representative, Northwest District Office, 2301 E. 13th, Hays 67601, (913) 625-5663. This material also can be reviewed at the KDHE Office, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka. Questions concerning this proposed permit should be directed to Chuck Layman, KDHE, (913) 296-1579.

K.S.A. 65-3008 provides that any person affected by the issuance of a permit can request a public hearing prior to the permit's issuance. The request must be in writing and addressed to the secretary. If the secretary determines there is sufficient reason in the request, a public hearing will be conducted—the place, date and time of the hearing will be announced in this publication. A request for a hearing or written comments on the proposed permit must be submitted to the Secretary, Kansas Department of Health and Environment, Landon State Office Building, 900 S.W. Jackson, Topeka 66612, before November 28.

> Robert C. Harder Secretary of Health and Environment

Kansas Development Finance Authority

Notice of Meeting

The Kansas Development Finance Authority Board of Directors will meet at 9 a.m. Wednesday, November 9, in the conference room of the offices of the Kansas Development Finance Authority, Suite 1000, Jayhawk Tower, 700 S.W. Jackson, Topeka. The regular meeting time for subsequent meetings of the Board of Directors will be the first Friday after the first Thursday of every month at 9:30 a.m. For further information, contact the Kansas Development Finance Authority at (913) 296-6747.

Wm. F. Caton President

Doc. No. 015524

State of Kansas

Department of Health and Environment

Notice Concerning Kansas Water Pollution Control Permits

In accordance with state regulations 28-16-57 through 63, 28-18-1 through 4, 28-46-7, and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, tentative permits have been prepared for discharges to the waters of the United States and the state of Kansas for the applicants described below. The tentative determinations for permit content are based on preliminary staff review, applying the appropriate standards, regulations, and effluent limitations of the state of Kansas and the EPA, and when issued will result in a state water pollution control permit and national pollutant discharge elimination system authorization to discharge subject to certain effluent limitations and special conditions.

Public Notice No. KS-94-65/66

Name and	Address
of Applicar	ıt
Grasser Oil	Company
210 E. Aver	
Cimarron, I	

Waterway Arkansas River via earthen ditch

Type of Discharge Contaminated groundwater remediation project effluent from an air stripper

Gray County, Kansas

Kansas Permit No. I-UA07-P002

Fed. Permit No. KS-0090379

Description of Facility: This is a service station. Due to spills and leaks from underground storage tanks, hydrocarbon contaminated groundwater will be pumped and treated in an air stripper prior to discharge to the Arkansas River. This is a new facility. Proposed effluent limitations are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria.

Name and Address of Applicant City of Oberlin Groundwater Remediation Project-Oberlin, Kansas Waterway Sappa Creek via storm sewer Type of Discharge Contaminated groundwater remediation project effluent from an air stripper

Decatur County, Kansas

Kansas Permit No. I-UR17-P002

Fed. Permit No. KS-0090344

Description of Facility: This is a city shop with related facilities. Due to spills and leaks from underground storage tanks, hydrocarbon contaminated groundwater will be pumped and treated in an air stripper prior to discharge to the storm sewer. This is a new facility. Proposed effluent limitations are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria.

Public Notice No. KS-EG-94-16

In accordance with K.A.R. 28-46-7 and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, a tentative area permit has been prepared for the use of shallow Class V injection wells within the state of Kansas, for the applicant described below.

Name and Address of Applicant Coastal Refining & Marketing 1100 E. 21st St. North Wichita, KS 67214 Injection Well Nos. I-1 through I-20 Location of Wells SE/4 Section 4, Township 26 South, Range 1 East, Sedgwick County, Kansas

Kansas Permit No. KS-05-173-003

Description of Facility: The injection wells are completed in the Alluvial Deposits and are designed to accept untreated recovered groundwater contaminated by releases of hydrocarbons for the purpose of remediation of the soil and aquifier; maintain hydraulic control of the site, and to return groundwater to the aquifer.

Written comments on the proposed determinations may be submitted to Bethel Spotts, Permit Clerk, or Dorothy Geisler (agricultural permits), Kansas Department of Health and Environment, Division of Environment, Bureau of Water, Forbes Field, Topeka 66620. All comments postmarked or received on or before November 25 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate public notice number (KS-EG-94-16 and KS-94-65/66) and the name of applicant as listed when preparing comments.

If no objections are received during the public notice period, the Secretary of Health and Environment will issue the final determinations. If response to this notice indicates significant public interest, a public hearing may be held in conformance with state regulation 28-16-61 (28-46-21 for UIC). Media coordination (newspapers, radio) for publication and/or announcement of the public notice or public hearing is handled by the Kansas Deposits of Health and Environment.

partment of Health and Environment.

The application, proposed permit, including proposed effluent limitations and special conditions, fact sheets as appropriate, comments received, and other information are on file and may be inspected at the Kansas Department of Health and Environment offices, Building 283, Forbes Field, Topeka, from 8 a.m. to 4:30 p.m. Monday through Friday. The documents are available upon request at the copying cost assessed by KDHE. Additional copies of this public notice also may be obtained at the Division of Environment.

Robert C. Harder Secretary of Health and Environment

Department of Transportation

Notice to Contractors

Sealed proposals for the construction of road and bridge work in the following Kansas counties will be received at the office of the Chief of Construction and Maintenance, KDOT, Topeka, or at the Ramada Inn Airport in Wichita, until 2 p.m. November 16. The sealed proposals will then be publicly opened during the letting at the Ramada Inn Airport in Wichita.

District One-Northeast

Johnson—7-46 K-3382-02 - K-7, 0.2 miles north of the K-150 junction north to 2 lane/4 lane divided highway, 3.6 miles, seeding. (Federal Funds)

Johnson—46 TE-0026-01 - Overland Park Community Park, 2 miles, pedestrian bike path. (Federal Funds)

Johnson—46 TE-0027-01 - Lamar Avenue to Nall Avenue in Overland Park, 0.6 mile, pedestrian bike path. (Federal Funds)

Marshall—99-58 K-5414-01 - K-99, from U.S. 36, north to the Kansas-Nebraska state line, 14.5 miles, overlay. (State Funds)

Marshall—77-58 K-5195-01 - U.S. 77, from the east city limits of Waterville, east and north to the south city limits of Marysville, 16.2 miles, overlay. (State Funds)

Nemaha—63-66 K-5410-01 - K-63, from the east city limits of Seneca, north to the Kansas-Nebraska state line, 11.1 miles, overlay. (State Funds)

Nemaha-Jackson—106 K-5579-01 - K-9, from the south junction of K-63 east to the Nemaha-Jackson county line; K-9, from the Nemaha-Jackson county line to the junction of U.S. 75; K-9, from the junction of K-187, east to the north junction of K-63; K-187, from the junction of K-9, north to the junction of U.S. 36; K-236, from the junction of U.S. 36, north to the south city limits of Oneida, 31.7 miles, overlay. (State Funds)

Osage —70 K-5581-01 - K-31, from the east city limits of Osage City, east to the junction of U.S. 75; K-170, from the Lyon-Osage county line, east and north to the junction of K-31, 20 miles, overlay. (State Funds)

Pottawatomie-Shawnee—24-106 K-5580-01 - U.S. 24, from the Wamego Industrial Park entrance east to the Pottawatomie-Shawnee county line and from the Pottawatomie-Shawnee county line, east to the west city limits of Rossville, 19.4 miles, overlay. (State Funds)

Shawnee—75-89 K-3371-02 - U.S. 75, from the existing 4-lane south of Topeka, north to 49th Street, 5.5 miles, grading and bridge. (State Funds)

Shawnee—75-89 K-5413-01 - U.S. 75, from the end of the new concrete, north to the Soldier Creek bridge, 2.3 miles, overlay. (State Funds)

Wabaunsee—99 K-5582-01 - K-99, from the north city limits of Alma, north to the junction of I-70; K-138, from the junction of I-70, east to the west city limits of Paxico; K-185, from the north city limits of McFarland, north to the junction of I-70, 5.2 miles, overlay. (State Funds)

District Two-Northcentral

Clay—14 C-2993-01 - County road, 1.5 miles north and 1 mile east of Clay Center, 0.1 mile, grading and bridge. (Federal Funds)

Clay-Dickinson-Lincoln-Marion—106 K-5638-01 - K-15 in Clay and Dickinson counties, K-18 in Lincoln County, and U.S. 56 in Marion County, recycled asphalt pavement sampling. (State Funds)

Mitchell—62 C-3073-01 - County road, 1.3 miles north of Glen Elder, then west, 0.2 mile, grading and bridge. (Federal Funds)

Morris—64 C-3240-01 - County road, 1 mile south and 1.7 miles east of Dwight, then east, 0.2 mile, grading and bridge. (Federal Funds)

Saline—70-85 K-2610-02 - I-70, 8 miles east of the Lincoln-Saline county line east to 0.4 mile west of U.S. 81, 6.9 miles, pavement reconstruction. (Federal Funds)

Washington—101 C-3187-01 - County road, 0.5 mile west and 3.9 miles south of Barnes, grading and bridge. (Federal Funds)

Washington—101 C-3186-01 - County road, 9.8 miles north and 1 mile east of Washington, grading and bridge. (Federal Funds)

District Three—Northwest

Cheyenne—12 C-3077-01 - County road, 10.5 miles south and 3.5 miles west of Bird City, then north, 0.2 mile, grading and bridge. (Federal Funds)

Graham—238-33 K-4688-01 - U.S. 283, Bow Creek bridge 27, 11.1 miles north of the U.S. 283 and U.S. 24 junction, bridge replacement. (Federal Funds)

Logan—83-55 K-5449-01 - U.S. 83, 8 miles north of county route 1067, north to the east junction of U.S. 40, 15 miles, seal. (State Funds)

Logan-Gove 40-106 K-5598-01 - U.S. 40, from the Logan-Gove county line, east to the junction of I-70 and from the east junction of K-25, east to the Logan-Gove county line, 13.4 miles, overlay. (State Funds)

Rawlins—117-77 K-5450-01 - K-117, from the junction of U.S. 36, north to the Kansas-Nebraska state line, 12 miles, seal. (State Funds)

Rooks—82 C-3048-01 - County road, 4 miles west and 1.2 miles south of Woodston, then south, 0.3 mile, grading and bridge. (Federal Funds)

Wallace—40-100 K-5448-01 - U.S. 40, from the Colorado-Kansas state line, east to the east city limits of Sharon Springs, 16.6 miles, seal. (State Funds)

District Four-Southeast

Cherokee—11 K-5607-01 - K-102, from the east city limits of West Mineral, east to the junction of K-7; K-7, from the junction of K-96, north to the junction of U.S. 160, 16.1 miles, overlay. (State Funds)

Crawford—19 K-1426-04 - Farlington Hatchery Area, overlay. (State Funds)

Crawford—19 K-1426-05 - Interior roads and parking areas in Crawford State Park, overlay. (State Funds)

Crawford—57-19 K-5457-01 - K-57, from the east city limits of Girard, east to the north junction of U.S. 69, 7.1 miles, recycle. (State Funds)

Labette—169-50 K-4353-01 - U.S. 169, from the Montgomery-Labette county line northeast to the Labette-Neosho county line, 1.9 miles, pavement reconstruction. (State Funds)

Montgomery—63 C-3005-01 - County road, 2 miles north of Cherryvale, grading, bridge and surfacing. (Federal Funds)

Montgomery—63 K-1427-04 - North Squaw Creek area in Elk City State Park, overlay. (State Funds)

Montgomery—169-63 K-4372-01 - U.S. 169, from the north junction of U.S. 160, northeast to the Montgomery-Labette county line, 1.5 miles, pavement reconstruction. (State Funds)

Montgomery—169-63 K-5459-01 - U.S. 169, from the east junction of U.S. 166, north to the south junction of K-96, 11.6 miles, recycle. (State Funds)

Neosho—169-67 K-2877-01 - U.S. 169, Drum Creek bridge 9, 0.4 mile north of the Labette-Neosho county line, bridge replacement. (Federal Funds)

Neosho—169-67 K-4527-01 - U.S. 169, from the Labette-Neosho county line northeast to the Drum Creek bridge, 0.3 mile, pavement reconstruction. (State Funds)

Wilson—103 C-3096-01 - County road, 1.1 miles west of Fredonia, 0.1 mile, grading, bridge and surfacing. (Federal Funds)

Wilson—47-106 K-5606-01 - K-47, from the junction of U.S. 169 east to the junction of U.S. 59 and from the east city limits of Fredonia east to the west city limits of Altoona, 18.9 miles, overlay. (State Funds)

District Five—Southcentral

Rush—83 C-3122-01 - County road, 8 miles south and 2 miles east of Timken, 0.2 mile grading, and bridge. (Federal Funds)

Sedgwick—87 TE-0040-01 - Along Gypsum Creek from Douglas Avenue to Cessna Park in Wichita, 3.5 miles, pedestrian bike path. (Federal Funds)

Various counties—106 K-5639-01 - Recycled asphalt pavement sampling at various locations in District Five. (State Funds)

District Six—Southwest

Clark—160-13 K-4061-01 - U.S. 160, from the north junction of U.S. 283, south to the south junction of U.S. 283, 6.5 miles, grading and bridge. (State Funds)

Kearny—25-47 K-5461-01 - K-25, from the north city limits of Larkin, north to the Kearny-Wichita county line, 22.1 miles, overlay. (State Funds)

Kearny—25-47 M-1787-01 - K-25, mixing strip 1 mile north of Lakin, stockpile bituminous mixture. (State Funds)

Morton—56-65 M-1786-01 - U.S. 56, mixing strip 0.3 mile east of Rolla, stockpile bituminous mixture. (State Funds)

Morton-Stevens—56-106 K-5603-01 - U.S. 56, from the Oklahoma-Kansas state line, northeast to the Morton-Stevens county line and from the Morton-Stevens county line, northeast to the junction of K-51, 33.6 miles, overlay. (State Funds)

Scott-Wichita—96-106 K-5619-01 - K-96, from the Wichita-Scott county line, east to the junction of U.S. 83 and from the west city limits of Leoti, east to the Wichita-Scott county line, recycle. (State Funds)

Stanton—160-94 K-5465-01 - U.S. 160, from the Colorado-Kansas state line, northeast to the south junction of K-27, 16.8 miles, overlay. (State Funds)

Wichita—25-102 M-1785-01 - K-25 mixing strip 2 miles south of Leoti, stockpile bituminous mix. (State Funds)

Various counties—106 K-5640-01 - Recycled asphalt pavement sampling at various locations in District Six, 58.6 miles. (State Funds)

Proposals will be issued upon request to all prospective bidders who have been prequalified by the Kanas Department of Transportation on the basis of financial condition, available construction equipment, and experience. Also, a statement of unearned contracts (Form No. 284) must be filed. There will be no discrimination against anyone because of race, age, religion, color, sex, handicap, or national origin in the award of contracts.

Each bidder shall file a sworn statement executed by or on behalf of the person, firm, association or corporation submitting the bid, certifying that such person, firm, association or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with the submitted bid. This sworn statement shall be in the form of an affidavit executed and sworn to by the bidder before a person who is authorized by the laws of the state to administer oaths. The required form of the affidavit will be provided by the state to each prospective bidder. Failure to submit the sworn statement as part of the bid approval package will make the bid nonresponsive and not eligible for award consideration.

Plans and specifications for the projects may be examined at the office of the respective county clerk or at the KDOT district office responsible for the work.

Michael L. Johnston Secretary of Transportation

Department of Transportation

Notice to Contractors (Special Letting)

Sealed proposals for the construction of road and bridge work in the following Kansas counties will be received at the office of the Chief of Construction and Maintenance, KDOT, Topeka, or at Fredonia High School, until 11 a.m. November 17. The sealed proposals will then be publicly opened during the special letting at Fredonia High School.

District Four—Southeast

Butler-Greenwood—96-37 K-3292-01 - K-96, from 1.3 miles west of the Butler-Greenwood county line, east to the east junction of county route 227, 10.6 miles, grading, bridge and seeding. (State Funds)

Proposals will be issued upon request to all prospective bidders who have been prequalified by the Kansas Department of Transportation on the basis of financial condition, available construction equipment, and experience. Also, a statement of unearned contracts (Form

No. 284) must be filed. There will be no discrimination against anyone because of race, age, religion, color, sex, handicap, or national origin in the award of contracts.

Each bidder shall file a sworn statement executed by or on behalf of the person, firm, association or corporation submitting the bid, certifying that such person, firm, association or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with the submitted bid. This sworn statement shall be in the form of an affidavit executed and sworn to by the bidder before a person who is authorized by the laws of the state to administer oaths. The required form of the affidavit will be provided by the state to each prospective bidder. Failure to submit the sworn statement as part of the bid approval package will make the bid nonresponsive and not eligible for award consideration.

Plans and specifications for the project may be examined at the office of the respective county clerk or at the KDOT district office responsible for the work.

Michael L. Johnston Secretary of Transportation

Doc. No. 015510

State of Kansas

Office of Judicial Administration Court of Appeals Docket

(Note: Dates and times of arguments are subject to change.)

Kansas Court of Appeals Robinson Courtroom, Washburn University School of Law Topeka, Kansas

Tuesday, November 1, 1994

Before Brazil, P.J.; Rulon and Pierron, J.J.

9:00 a.m.

		9:00 a.m.	
Case No.	Case Name	Attorneys	County
71,594	Phillip Oetinger, Appellant,	Robert L. Pottroff	Clay
	V	J. Stan Sexton	
	Aaron Polson, et al., Appellees.	J. Roger Hendrix	
71,658	Wilma Hull, et al., Appellants,	Sulaimon Adebayo Hassan	Wyandotte
	V.	Maureen T. Shine	
and the second second	Deb of Kansas, Inc., et al., Appellees.	Ronald L. Edelman	
		10:15 a.m.	
71,509	Lois Kyles, Appellant,	David P. Troup	Geary
	$oxed{oxed} oxed{oxed} oxed{oxed} oxed{oxed} oxed{oxed} oxed{oxed} oxed{oxed} oxed{oxed}$		
	Dolgencorp, Inc., Appellee.	John R. Toland	
		11:00 a.m.	
70,995	In the Matter of the Estate of Mary P.	Michael S. Holland	Ellsworth
	Kasper, deceased.	Kenneth L. Cole	
		Gregory Hoffman	
4.		1:00 p.m.	
70,709	State of Kansas, Appellee,	District Attorney	Shawnee
	v.	Attorney General	
Market St.	Vernon C. Keeling, Appellant.	Jessica R. Kunen	

Court of	Appeals Docket Kans	as Register	4995
70,825	State of Kansas, Appellee, v. Darrell G. Crowder, Appellant.	County Attorney Attorney General Rebecca Woodman	Cloud
Tiper in the Tiper in the Tiper in the Tiper in the tiper Tiper in the	Snell Co	Court of Appeals urtroom, Green Hall f Kansas School of Law wrence, Kansas	
tig avl	Tuesday	, November 1, 1994	
		P.J.; Elliott and Lewis, J.J. 9:00 a.m.	County
Case No. 70,498	State of Kansas, Appellee, v. Russell D. Baston, Appellant.	District Attorney Attorney General J. Patrick Lawless Jr.	Douglas
70,430	State of Kansas, Appellee, v. Kenneth E. Worrell, Appellant.	District Attorney Attorney General Thomas Jacquinot	Douglas
		10:15 a.m.	
71,720	Errol Joe Kampschroeder, Appellee,	Byron E. Springer	Douglas
Secretary and second	Norma W. Kampschroeder, et al., Appellants.	John M. Cooley Stephen M. Fletcher	
		11:00 a.m.	
71,338	Salvation Army, Appellant, v.	Eugene T. Hackler	Shawnee
	Johnson Co. Comm., et al., Appellees.	Lisa Ross Wetzler 1:00 p.m.	
70,348	Arlene Kay Garcia, Appellant, v. Feeney's Enterprises, Inc., Appellee.	Richard D. Fry Carol Fowler Paul Hasty Jr. James Borthwick	Johnson
70,842	Charles H. Thomas, Appellant,	Lynn R. Johnson	Johnson
1, 1	v. Gerald D. Petersen, M.D., Appellee.	Christopher F. Pickering	
55 4.45	Court of Appea Old Sedgwick Cou	Court of Appeals als Courtroom, Third Floor anty Courthouse, 510 N. Main ichita, Kansas	
	Tuesday	, November 1, 1994	
•	Before Royse, 1	P.J.; Larson and Green, J.J. 1:00 p.m.	
70,480	State of Kansas, Appellee, v.	County Attorney Attorney General	Ford
er e	Johnny M. Gonzales, Appellant.	Steven R. Zinn	
70,898 70,899	State of Kansas, Appellee, v. Fred E. Baker, Appellant.	County Attorney Attorney General Stephen C. Moss	Seward
	The state of the s	2:00 p.m.	
FO (O)	Ctate of Vancos Annalles	County Attorney	Seward
70,696	State of Kansas, Appellee, v. Lee A. Webb, Appellant.	Attorney General Kristine Savage	

1600		Kansas RegisterCou	rt of Appeals Docket
70,879	Gary L. Knoll, Appellant, v. State of Kansas, Appellee.	J. Patrick Lawless Jr. Attorney General County Attorney	Seward
	in the second se	3:00 p.m.	
71,672	J.C. Vaden, Appellant,	Christopher A. Rogers	Cowley
	Bob Odell, Sheriff, Appellee.	County Attorney	
	Wed	nesday, November 2, 1994	
	Before Royse, P.	J.; Larson, J.; and Glenn D. Schiffner, istrict Judge, assigned.	
Case No.	Case Name	9:00 a.m.	
71,015	Diana Acosta, et al., Appellants, v. Mildred Harris, et al., Appellees.	William 1. Fry Douglas J. Moshier Kenneth L. Weltz	County Sedgwick
70.040			
70,848	State of Kansas, Appellee, v. Dennis Joseph Sanders II, Appellar	County Attorney Attorney General nt. Ernest Moulos	Butler
71,273	William Reed, Admin., et al., Appe	Calendar—No Oral Argument Ellants, D. Lee McMaster	Destina
	v. Jackie P. Collins, Appellee.	William Reed, pro se William P. Tretbar	Butler
71,350	Edward Clemmons, Appellant, v.	Boyd W. Howard	Butler
	Michael Nelson, Appellee.	Julie Riddle	
71,380	Charles A. Dill, Appellant, v.	David A. Ricke	Butler
	Michael Nelson, Appellee.	Julie Riddle	
		J.; Green, J.; and Glenn D. Schifner, strict Judge, assigned. 11:00 a.m.	
70,811	James D. Spaulding, Appellant,	Gordon B. Stull	Dunct
	v.		Pratt
	Department of Revenue, Appellee.	Colleen R. Harrell	
70,910	State of Kansas, Appellee,	Calendar - No Oral Argument	
,0,,,10	v.	Debra S. Byrd Attorney General	Sedgwick
70,579	Bryan L. Baird, Appellant.	Steven R. Zinn	
	Michael L. Colbert, Appellant,	John W. Lehecka	Sedgwick
	State of Kansas, Appellee.	Attorney General Debra S. Byrd	
70,441	State of Kansas, Appellee,	Debra S. Byrd	Sedgwick
i i	Jerry Gilmore, Appellant.	Attorney General Steven R. Zinn	
70,983	Bobby J. Van Buren, Appellee,	Michael B. Brewer	Sedgwick
	V. Department of Revenue, Appellant.	Brian Cox	

Before Royse, P.J.; Green, J.; and Glenn	D. S	chiffner,
District Judge, assigned.		
1:00 p.m.		11 11 11 11 11

70,589	William Knight, Appellee,	Michael J. Friesen	Finney
	Leroy Danler, et al., Appellants.	John M. Linder	
	Summary Cale	ndar—No Oral Argument	
71,673	Larry Rice, Appellant, v. Robert Hanningan, et al., Appellees.	Michael C. Robinson Attorney General John J. Knoll	Reno
71,087	State of Kansas, Appellee, v. Jason D. Klotz, Appellant.	Debra S. Byrd Attorney General Jeffrey Shaw	Sedgwick
71,144	State of Kansas, Appellee, v. Shane Richards, Appellant.	County Attorney Attorney General Steven R. Zinn	Montgomery
70,431	State of Kansas, Appellee, v. Troy L. Ricks, Appellant.	County Attorney Attorney General Steven R. Zinn	Seward

Kansas Court of Appeals Court of Appeals Courtroom, Second Floor, Kansas Judicial Center Topeka, Kansas

Wednesday, November 2, 1994

Before Brazil, P.J.; Pierron, J.; and James W. Paddock, District Judge Retired, assigned. 9:30 a.m.

	The transfer of the second second	9:30 a.m.	County
Case No. 70,795	In the Matter of the Marriage of Dennis W. Sullivan and Mary V. Sullivan.	Michael F. Willcott Terence A. Lober Ed Schneeberger	Leavenworth
71,019	Paul Eugene Starne, Appellant, v. Mekki Saba, et al., Appellees.	Richard D. Fry Christopher F. Pickering Janet M. Simpson	Bourbon
	Summary Calen	dar—No Oral Argument	
70,373	Danny Robinson, Appellant, v. State of Kansas, Appellee.	Jean Gilles Phillips Attorney General County Attorney	Geary
70,614	Ronald Lee Rhodes, Appellant, v.	Michael G. Highland	Leavenworth
	Orville Sieg, et al., Appellees.	Linden G. Appel	
	District Jud	lon, J.; and James W. Paddock, ge Retired, assigned. 11:00 a.m.	
70,991	Donna and Byron Elsten, Appellants, v. Steve Rosenthal, et al., Appellees.	Mark A. Buchanan Steven B. Moore W. Frederick Zimmerman	Wyandotte
70,862	Redwood Gardens Home Association Inc., Appellee, v. Daryel Garrison, Appellant.	Richard A. Carnahan Frances L. Suarez Gayle E. Townsend	Wyandotte

(continued)

Elisa Sader Sam Schultz Thomas Cullen Ir.

Summary Calendar—No Oral Argument

71,852 Larry Kietzman, Appellee, Topeka Foundry & Iron Works Co.,

Appellant.

Larry L. Luttjohann William Hergenreter

Shawnee

Kansas Court of Appeals Supreme Court Courtroom, Third Floor, Kansas Judicial Center Topeka, Kansas

Wednesday, November 2, 1994

Before Gernon, P.J.; Lewis, J.; and John W. White, District Judge, assigned. 9:30 a.m.

70.810 In the Matter of the Marriage of Lionel Alfred Weaver and Denise Lee Weaver.

Lionel Weaver, pro se Barry D. Martin

County Johnson

	- A Naitsa	s Kegistei	
71,493	E&M Ready Mix & Pre-Cast, Inc., Appellee,	Craig T. Kenworthy W. Ann Hansbrough	Johnson
	John Sanders, et al., and Midwest Titan, Inc., Appellant.	Karen J. Halbrook	
	Summary Calend	ar—No Oral Argument	
70,311	Rocky Dewayne Bratton, et al., Appellees,	Kathleen A. Zarda	Johnson:
	v. Robert M. Stromile, Appellant.	R. Scott Ryburn	
70,888	State of Kansas, Appellee, v.	District Attorney Attorney General	«Johnson
	Troy L. Morris, Appellant.	Edward Collister, Jr.	
	District	lliott, J.; and John W. White, Judge, assigned. 11:00 a.m.	
71,238	Starr McDonnell, et al., Appellants,	Donald L. Hochanadel Ruth L. Landau	Wyandotte
	The Music Stand, et al., Appellees.	Barry E. Warren Malcolm Goods, pro se	
71,177	Sharon Eggleston, Appellant,	Donald T. Taylor	Wyandotte
	State Farm Mutual Auto. Insurance Co., et al., Appellees.	Paul Hasty Jr.	
	Summary Calend	lar—No Oral Argument	
70,837	Lee Quincy Hill, Jr., Appellant,	J. Patrick Lawless Jr. Attorney General	Wyandotte
	State of Kansas, Appellee.	District Attorney	
71,082	State of Kansas, Appellee, v.	District Attorney Attorney General	Wyandotte
	George Chaney, Jr., Appellant.	Carl E. Cornwell	
		ewis, J.; and John W. White, Judge, assigned. 1:30 p.m.	
71,054	In the Matter of M.L.M.	Nancy A. Roe District Attorney	Wyandotte
71,324	State of Kansas, Appellee,	County Attorney Attorney General	Linn
	Fred Maynard Evans, Appellant.	Steven Ř. Zinn	
	Summary Calen	dar—No Oral Argument	
70,908	Earl Howard, Appellant, v.	Jeffrey Shaw Attorney General	Johnson
	State of Kansas, Appellee.	District Attorney	
the second second second	2013 to the Territory American	District Attorney	Johnson
71,196	State of Kansas, Appellee, v. Rich D. Clemons, Appellant.	Attorney General John W. Leighty	

Department of Administration Division of Purchases

Notice to Bidders

Sealed bids for items hereinafter listed will be received by the Director of Purchases, Room 102, Landon State Office Building, 900 S.W. Jackson, Topeka, until 2 p.m. on the date indicated, and then will be publicly opened. Interested bidders may call (913) 296-2377 for additional information:

Monday, November 7, 1994

State Corporation Commission—Indirect cost allocation plan

Tuesday, November 8, 1994

30759

University of Kansas-Screen printed wearing apparel

00207

University of Kansas-Plumbing materials

Wednesday, November 9, 1994

30750

Department of Administration-Division of Printing—Color separation services

30753

Wichita State University-Floor care products

30761

University of Kansas Medical Center-Infrared aural thermometers and probes

00165

Emporia State University, Department of Administration and Kansas Highway Patrol-Automobiles/law enforcement vehicles

00216

Department of Transportation—Aggregate (Winfield)

00217

University of Kansas-Emergency generator

00218

Department of Administration-Division of Printing—Binding system

Thursday, November 10, 1994

00224

Department of Human Resources-Furnish and install metal doors and frames, Chanute

Ellsworth Correctional Facility—Heating-air conditioning equipment

Kansas State University-Workstation (Sun Sparcstation 20)

00237

Kansas State University-Farm tractor

00238

University of Kansas-Imagesetter

00242

Wichita State University—Removal of underground fuel tanks

Monday, November 14, 1994

30756

Emporia State University—Furnish and install seamless restinous floor

Friday, December 2, 1994 30754

Department of Social and Rehabilitation Services, hospitals administered by-Individual physicians' professional liability insurance

Kansas Highway Patrol-Dining services, Salina

Jack R. Shipman Director of Purchases

Doc. No. 015538

(Published in the Kansas Register, October 27, 1994.)

Notice of Redemption City of Clay Center, Kansas Industrial Development Revenue Bonds (Liberty Square, Inc. - Tenant) \$520,000

Dated December 1, 1978

Notice is hereby given that all of the above mentioned bonds maturing on and after June 1, 1995, and all unmatured coupons appertaining thereto, have been called for redemption and payment on December 1, 1994, at the office of the Southwest National Bank of Wichita, 400 E. Douglas, P.O. Box 1401, Wichita, KS 67201 (the paying agent).

-	Bond	Maturity	Principal	Interest
	Nos.	Date	Amount	Rate
	76-84	6/1/95	\$ 45,000	8.50%
	85-104	6/1/96	\$100.000	8.50%

On such redemption date there shall become due and payable, upon presentation and surrender of each such bond and unmatured coupons, the redemption price thereof equal to par plus 4 percent of the principal amount of each bond together with interest accrued to the redemption date, provided funds are on deposit with the fiscal agent. Interest shall cease to accrue on the bonds so called for redemption from and after June 1, 1994.

Under the provisions of the Interest and Dividend Tax Compliance Act of 1983, paying agents making payments of interest or principal on corporate securities or making payments of principal on mutual securities may be obligated to withhold a 31 percent tax from remittances to individuals who have failed to furnish the paying agent with a valid taxpayer identification number. Holders of the bonds who wish to avoid the imposition of the tax should submit certified taxpayer identification numbers when presenting the bonds for payment.

Dated October 27, 1994.

Southwest National Bank of Wichita Trustee for City of Clay Center, Kansas 400 E. Douglas P.O. Box 1401 Wichita, KS 67201

(Published in the Kansas Register, October 27, 1994.)

Notice of Redemption to the holders of Crawford County, Kansas Single Family Mortgage Revenue Bonds 1980 Series A

Notice is hereby given that, pursuant to Section 3.01 of the Indenture dated as of February 1, 1980, and as amended by the First Supplemental Indenture dated April 1, 1989, \$635,000 principal amount of bonds has been drawn pro-rata among maturities and by lot for redemption at par on December 1, 1994.

Coupon bonds of \$5,000 denomination called in full bearing CUSIP No. 224851 and Suffix:

AQ8	AS4	AU9	1813	2173	2372	2632	2906	3115
662	861	1026	1870	2177	2388	2635	2929	3123
665	886	1041	1882	2188	2473	2649	2938	3141
695	897	1045	1894	2218	2495	2656	2944	3158
701	898	1072	1936	2229	2496	2690	2971	
718	918	1083	1937	2232	2511	2713	2982	
	919	1109	1940	2264	2524	2772	2986	
AR6		1137	1975	2266	2529	2774	3008	
750	AT2	1.22	1977	2272	2540	2785	3023	
762	928	AW5	1993	2292	2542	2793	3037	
765	937	1688	2005	2305	2570	2840	3041	
776	968	1748	2127	2307	2594	2841	3057	47.
797	971	1752	2148	2343	2599	2856	3058	
816	973	1756	2155	2349	2601	2878	3064	1
	1003	1770	2168	2353	2616	2898	3080	
	1020	1778	2170	2355	2619	2903	3101	
								100

In addition to the coupon bonds listed above, the following fully registered bonds to be redeemed in whole or in part and the principal amount to be redeemed, bearing CUSIP No. 224851, are as follows:

Bond Number	Par Value	Amount Called	Suffix
R275	\$5,000	\$5,000	AW5
R282	5,000	5,000	AW5
R287	5,000	5,000	AW5
R302	5,000	5,000	AW5
R303	5,000	5,000	AW5
R310	5,000	5,000	AW5

Bonds with the December 1, 1994, coupons and all subsequent coupons attached should be presented to one of the offices of the paying agents:

	ail:

Bank of America Illinois (formerly Continental Bank) Corporate Trust Operations 231 S. LaSalle St., 19th Floor Chicago, IL 60697

By Hand Delivery:

Bank of America Illinois (formerly Continental Bank) Corporate Trust Operations 231 S. LaSalle St., 19th Floor Chicago, IL 60697

Intrust Bank N.A. Attn: Corporate Trust 105 N. Main Wichita, KS 62702

To assure prompt payment of the redemption price, bond certificates should be sent, unendorsed, approximately two weeks before December 1, 1994, to the above Bank of America Illinois address. The method of delivery of the bonds for payment is at the election and risk of the holder, but if sent by mail, insured, registered or certified mail, return receipt requested, is recommended.

Although registered bondholders have the option of presenting bonds to the Kansas paying agent, there will be a delay in the issuance of bonds for any unredeemed portion unless such presentment is made to the principal paying agent in Chicago. Accordingly, the registered bonds which have been called in part should be presented to the paying agent in Chicago at the address given above.

Where a fully registered bond is redeemed in part, a new fully registered bond for the unredeemed portion will be issued and returned without charge. Interest on the bonds or portions of the bonds called for redemption

will cease to accrue on December 1, 1994.

To avoid a 31 percent backup withholding tax required by federal law effective January 1, 1993, holders must submit a properly completed IRS Form W-9 with their bonds, unless such a form has been provided previously.

Dated October 27, 1994.

By: Bank of America Illinois as Trustee for Crawford County, Kansas

Doc. No. 015537

(Published in the Kansas Register, October 27, 1994.)

Summary Notice of Bond Sale City of North Newton, Kansas \$235,000

General Obligation Bonds, Series 1994

(General obligation bonds payable from unlimited ad valorem taxes)

Sealed Bids

Subject to the notice of bond sale dated October 10, 1994, sealed bids will be received by the clerk of the city of North Newton, Kansas (the issuer), on behalf of the governing body at City Hall, P.O. Box 87, North Newton, KS 67117, until 7 p.m. C.S.T. on November 14, 1994, for the purchase of \$235,000 principal amount of General Obligation Bonds, Series 1994. No bid of less than the entire par value of the bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated December 1, 1994, and will become due on December 1 in the years as follows:

Year	Amount
1995	\$20,000
1996	20,000
1997	20,000
1998	25,000
1999	25,000
2000	25,000
2001	25,000
2002	25,000
2003	25,000
2004	25,000

The bonds will bear interest from the date thereof at (continued)

rates to be determined when the bonds are sold as here-inafter provided, which interest will be payable semi-annually on June 1 and December 1 in each year, beginning on June 1, 1995

Paying Agent and Bond Registrar Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America in the amount of \$4,700 (2 percent of the principal amount of the bonds).

Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or before December 20, 1994, at such bank or trust company in the state of Kansas or Kansas City, Missouri, as may be specified by the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1994 is \$4,685,109. The total general obligation indebtedness of the issuer as of the date of the bonds, including the bonds being sold, is \$810,000.

Approval of Bonds

The bonds will be sold subject to the legal opinion of Gilmore & Bell, P.C., Wichita, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the issuer, printed on the bonds and delivered to the successful bidder as and when the bonds are delivered.

Additional Information

Additional information regarding the bonds may be obtained from the clerk, (316) 283-7633, or from the financial advisor, George K. Baum & Company, One Main Place, Suite 810, Wichita, KS 67202, Attention: Charles M. Boully, (316) 264-9351.

Dated October 10, 1994.

City of North Newton, Kansas

Doc. No. 015522

State of Kansas

Social and Rehabilitation Services

Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted at 9 a.m. Tuesday, December 6, in the SRS Staff Development conference room, 300 S.W. Oakley, Topeka, to consider the adoption of proposed changes in existing rules and regulations on a permanent basis.

This 30-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed regulations. All interested parties may submit written comments prior to the hearing to the Secretary of Social and Rehabilitation Services, Room 603-N, Docking State Office Building, 915 S.W. Harrison, Topeka 66612. All interested parties will be given a reasonable opportunity

to present their views orally on the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes.

The adoption of the February 6, 1995, permanent regulations will take place at 9 a.m. Wednesday, December 7, in the SRS executive conference room, 603-N, Docking State Office Building. The adoption of the March 1, 1995, permanent regulations will take place at 9 a.m. Thursday, December 22, in the SRS executive conference room. Teleconference will not be available.

The proposed regulations are scheduled to become effective February 6, 1995, and March 1, 1995. A summary of the proposed regulations and their economic impact follows.

The phrase "Federal Mandate" following an item indicates that the change is required by federal policy. Optional changes in regulations related to federal programs are subject to approval by the U.S. Department of Health and Human Services.

Article 41.—LICENSING OF NON-MEDICAL COMMUNITY BASED AGENCIES PROVIDING SERVICES TO HANDICAPPED ADULTS

30-41-1. Definitions. This regulation is being amended to change requirements for any agency providing services to individuals who are MR/DD in need of services greater than those provided in a boarding care home to be licensed under the nonmedical community based license. This will eliminate the use of adult family homes and residential care facilities in serving MR/DD individuals.

Economic Impact: The proposed regulation is not expected to increase the cost of operations of the Department of Social and Rehabilitation Services or any of the community agencies that the department licenses. Almost all residential care facilities providing services to people with mental retardation or other developmental disabilities have adapted this approach already. Only a few agencies will be required to become licensed under these regulations. The definitions of mental retardation and other developmental disabilities do not expand the eligibility of funding for services through Mental Health and Retardation Services.

Article 44.—SUPPORT ENFORCEMENT

30-44-2. Standardized cost recovery fee. This regulation is being proposed to establish a standardized cost recovery fee for nonpublic assistance support enforcement cases (non-PA cases) being administered by the SRS Child Support Enforcement Program (CSE) under Title IV-D of the federal Social Security Act. The standard fee will be 2 percent of collections made on behalf of the family receiving support enforcement services and will normally be collected by retaining a portion of collections as they are received and distributed. The fee will take effect April 1, 1995.

Economic Impact: This regulation is expected to increase CSE program income by approximately \$197,000 (net) per year. To the extent that new district court trustees are established or the district court trustees' share

of non-PA collections otherwise increases, the fee income to SRS may decrease even if total non-PA collections increase. The projected new CSE fee income is based on the assumption that non-PA collections will total \$52 million per year after imposition of the statewide fee, and that non-PA collections will total \$23.2 million per year in cases referred to district court trustees. The proposed regulation is not expected to affect the revenues of cities, counties or school districts, nor does it impose functions or responsibilities on cities, counties or school districts which will increase their expenditures or fiscal liability.

30-44-3. Birthing hospital. This regulation is being proposed to define the term "birthing hospital" as used in L. 1994, Chapter 292, Sections 1 through 3, establishing a hospital-based program for voluntary acknowledgement of paternity at or near the time of birth. Under the new statute, participation in the program is mandatory for facilities which meet the definition of "birthing hospital."

Economic Impact: SRS costs for furnishing informational material to birthing hospitals will total \$22,700 per year (66 percent federally funded). The proposed regulation is not expected to materially affect hospital operating costs or the costs of the Department of Health and Environment because it makes no significant changes to procedures currently in use. No additional costs are expected for private citizens. The proposed regulation is also not expected to affect the revenues of cities, counties or school districts, nor does it impose functions or responsibilities on cities, counties, or school districts which will increase their expenditures or fiscal liability.

Article 5.—PROVIDER PARTICIPATION, SCOPE OF SERVICES, AND REIMBURSEMENTS FOR THE MEDICAID (MEDICAL ASSISTANCE) PROGRAM

30-5-64. Prior authorization or precertification. This regulation is being amended in accordance with SB 410 passed by the 1994 Legislature. Those classes of drugs which currently require prior authorization are being added to this regulation. Not all drugs in each class are covered by the Medicaid/MediKan program, and not all drugs within each class will require prior authorization. The provider manuals supplied to each provider of pharmaceuticals will contain specific exceptions.

Economic Impact: The "grandfathering" of the drugs which currently require prior authorization will continue the avoidance of over \$1,000,000 per year to the Medicaid pharmacy program.

30-5-173. Scope of preadmission assessment and referral services. This regulation defined the scope of the Kansas preadmission assessment and referral service as it was provided by SRS to individuals seeking nursing facility placement. This service will no longer be provided by SRS when Kansas Department on Aging (KDOA) begins its CARE program. Therefore, this regulation is being revoked.

Economic Impact: The impact of this regulation change does not go beyond adjustments in the SRS

budget made by the 1994 Legislature. The SRS Medical Services budget was reduced by \$970,944 (\$263,039 state general funds) to reflect the transfer of the program to the KDOA. The scope of the program has not changed. Administration of the program and state funds will be provided by KDOA effective January 1, 1995. SRS will continue to provide federal funds for PASARR.

30-5-173a. Reimbursement for preadmission assessment and referral services. When KDOA begins its CARE program, SRS will no longer pay for services under the Kansas preadmission assessment and referral program; therefore, this regulation is being revoked.

Economic Impact: See impact statement for 30-5-173.

Article 6.—MEDICAL ASSISTANCE PROGRAM— CLIENTS' ELIGIBILITY FOR PARTICIPATION

30-6-106. General rules for consideration of resources, including real property, personal property, and income. This regulation is being amended to increase the maximum income allowance a community spouse can receive from an institutionalized spouse to \$1,860 per month. This increase reflects a projected 24 percent increase in the constant price index from September 1988 to September 1994 and is calculated from the original \$1,500 per month maximum allowance contained in section 1924(d)(3)(C) of the Social Security Act.

Economic Impact: It is expected that this change will result in increased annual expenditures of \$154,800 (\$63,468 state general funds).

This regulation is being further amended to increase the minimum and maximum property allowances a community spouse may have to \$14,880 and \$74,400 respectively. This increase reflects a projected 24 percent increase in the consumer price index from September 1988 to September 1994 and is calculated from the original \$12,000 and \$60,000 allowances contained in section 1924(f)(2) of the Social Security Act.

Economic Impact: This change is not expected to have any discernible economic impact.

\$63,468 state general funds

30-6-106w. General rules for consideration of resources, including real property, personal property, and income. This regulation is being amended to increase the maximum income allowance a community spouse can receive from an institutionalized spouse to \$1,860 per month. This increase reflects a projected 24 percent increase in the consumer price index from September 1988 to September 1994 and is calculated from the original \$1,500 per month maximum allowance contained in section 1924(d)(3)(C) of the Social Security Act.

Economic Impact: It is expected that this change will result in increased annual expenditures of \$154,800 (\$63,468 state general funds).

This regulation is being further amended to increase the minimum and maximum property allowances a

(continued)

community spouse may have to \$14,880 and \$74,400 respectively. This increase reflects a projected 24 percent increase in the consumer price index from September 1988 to September 1994 and is calculated from the original \$12,000 and \$60,000 allowance contained in section 1924(f)(2) of the Social Security Act.

Economic Impact: This change is not expected to have any discernible economic impact.

Individuals at current monthly increase in m	maximum allowance
months	
percent	
state general funds	
	monthly increase in m months percent

Article 10.—ADULT CARE HOME PROGRAM

30-10-6. Admission procedure. This regulation is being amended to delete reference to assessors for the Kansas preadmission assessment and referral program and to the KPAR instrument as approved by the Secretary of SRS. Preadmission assessment, although it is still required in order for Medicaid participation in nursing facility payment, will be performed according to regulation by Kansas Department on Aging.

Economic Impact: There is no additional fiscal impact as a result of this policy. The 1994 Legislature reduced the SRS Medical Services budget by \$970,944 (\$263,039 state general funds) to reflect the transfer of the program to the KDOA.

30-10-7. Screening, evaluation, and referral for nursing facilities. This regulation is being amended to delete portions which implemented SB 182 which was repealed by the 1994 Kansas Legislature.

Economic Impact: There is no additional fiscal impact as a result of this policy. The 1994 Legislature reduced the SRS Medical Services budget by \$970,944 (\$263,039 state general funds) to reflect the transfer of the program to the Kansas Department on Aging.

Copies of the regulations and their economic impact statements may be obtained from the Office of the Secretary, Room 603-N, Docking State Office Building, Topeka 66612, (913) 296-3271.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Barbara Conant at (913) 296-3271 or by calling the Kansas Relay Center at 1-800-766-3777.

The public is invited to this meeting. Telephone hookups are provided at the following locations of Social and Rehabilitation Services offices: Chanute, Emporia, Garden City, Hays, Hutchinson, Kansas City, Lawrence, Manhattan, Olathe, Salina, Topeka (area office), and Wichita.

> Donna L. Whiteman Secretary of Social and Rehabilitation Services

Doc. No. 015523

State of Kansas

Board of Agriculture Division of Weights and Measures

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Permanent Administrative Regulations

Article 40.—PETROLEUM MEASUREMENT

99-40-100. Civil penalty; complaint. (a) Each complaint for the assessment of a civil penalty shall include:

(1) a statement reciting each subsection of the act au-

thorizing the assessment of a civil penalty;

- (2) specific reference to each provision of the act or implementing regulation which respondent is alleged to have violated;
- (3) a concise statement of the factual basis for each violation alleged;
- (4) the amount of the civil penalty which is proposed to be assessed; and
- (5) the notice of respondent's right to request a hearing on any material fact contained in the complaint or on the appropriateness of the amount of the proposed civil penalty. This notice may be incorporated within the complaint or set forth in a separate document.

(b) Each respondent shall be served a notice of a prehearing conference in accordance with the Kansas administrative procedure act K.S.A. 77-501 et seq. (Authorized by and implementing K.S.A. 1993 Supp. 55-443; effective Dec. 12, 1994.)

99-40-101. Answer to complaint. (a) If a respondent contests any material fact upon which the complaint is based, contends that the amount of the civil penalty proposed in the complaint is inappropriate or contends that the respondent is entitled to judgment as a matter of law, the respondent may file a written answer to the complaint. If an answer is filed, the answer shall be filed with the designated hearing officer within 20 days after service of the complaint.

(b) If an answer is filed, the respondent's answer shall be in writing

be in writing.

(1) The answer shall clearly and directly admit, deny or explain each of the factual allegations contained in the complaint to which the respondent has any knowledge.

(2) Where the respondent has no knowledge of a particular factual allegation and so states, the allegation

shall be deemed denied.

- (3) The answer shall also state any circumstances or arguments which are alleged to constitute grounds of defense, and any facts which the respondent disputes and intends to place at issue. (Authorized by and implementing K.S.A. 1993 Supp. 55-443; effective Dec. 12, 1994.)
- **99-40-104.** Informal settlement. (a) The respondent may request a settlement conference. The request may be contained either in respondent's answer to the complaint, if an answer is filed, or presented at the pre-hearing conference.
- (b) If a settlement is reached, the parties shall reduce the settlement to writing and present the proposed written consent agreement to the secretary or the secretary's

designee. The consent agreement shall state that, for the purpose of the proceeding, respondent:

(1) Admits the jurisdictional allegations of the com-

plaint;

(2) admits the facts stipulated in the consent agree-

(3) neither admits nor denies specific factual allega-

tions contained in the complaint; and

(4) consents to the assessment of a stated civil penalty, if any is assessed. The consent agreement shall include any and all terms of the agreement and shall be signed by all parties or their counsel or representatives of record. (Authorized by and implementing K.S.A. 1993 Supp. 55-443; effective Dec. 12, 1994.)

99-40-105. Adjusting the amount of the proposed civil pehalty. (a) Each respondent shall present all evidence on the issue of adjustment of the proposed civil penalty at the settlement conference. Such evidence may include mitigating factors or new evidence not previously known to the agency at the time the complaint was

(b) Upon presentation by the respondent of new evidence establishing facts and circumstances that were unknown to the secretary at the time the complaint was issued and which relate to the gravity of the violation, a new civil penalty may be proposed.

(1) When these additional facts establish that respondent did not commit the violations charged, the com-

plaint shall be dismissed.

(2) When the new evidence reveals additional charges should have been filed, a new complaint containing appropriate additional civil penalties may be filed.

(c) The burden shall be on the respondent to present evidence of any mitigating factors to support any requested reduction in the amount of proposed civil penalty. The amount of the civil penalty may be reduced if the reduction serves the public interest.

(d) The amount of a civil penalty shall not be reduced

to less than \$100 per offense.

(1) Whether or not a proposed civil penalty is reduced lies within the sole discretion of the secretary or the se-

cretary's designee.

(2) Reductions shall not occur unless evidence of mitigating factors has been presented by respondent. (Authorized by and implementing K.S.A. 1993 Supp. 55-443; effective Dec. 12, 1994.)

> Phillip A. Fishburn Acting Secretary of Agriculture

Doc. No. 015521

State of Kansas

Board of Agriculture

Permanent Administrative Regulations

Article 2.—AGRICULTURAL SEED

4-2-4. (Authorized by K.S.A. 2-1427; effective Jan. 1, 1966; revoked Dec. 12, 1994.)

4-2-5. (Authorized by K.S.A. 2-1427; effective Jan. 1, 1966; revoked Dec. 12, 1994.)

4-2-6. (Authorized by K.S.A. 2-1427; effective Jan. 1, 1966: revoked Dec. 12, 1994.)

4-2-8. Methods of analyses. (a) Subject to the provisions of subsection (c) of this regulation, the methods of analysis shall be those published in "Rules for Seed Testing—Association of Official Seed Analysts," October 1993 edition. Copies of the pertinent portions of the material adopted by reference may be obtained from the office of the agricultural commodity assurance program, inspections division of the Kansas state board of agriculture.

(b) For the purpose of this regulation the term "noxious-weed seed" used in the material adopted by reference in subsection (a) of this regulation shall mean "restricted weed seed" as defined in K.S.A. 2-1415(k)

and amendments thereto.

(c) The following restrictions shall apply in addition to tolerances for testing of seed found in section 5 of the material adopted by reference in subsection (a) of this

(1) Restricted weed seed tolerances shall not exceed the limitations set forth in K.S.A. 2-1415(k) and amend-

ments thereto; and

- (2) Any tolerance shall not be applied to any seed component which is guaranteed as "none" on the label. (Authorized by K.S.A. 2-1427; implementing K.S.A. 2-1423; effective Jan. 1, 1966; amended May 1, 1983; amended Jan. 1, 1989; amended Dec. 12, 1994.)
- 4-2-20. Adoption by reference. The following sections of title 7 of the code of federal regulations, revised as of January 1, 1994, are hereby adopted by reference;
 - (a) all of section 201.39;
 - (b) all of section 201.40;
 - (c) all of section 201.41;
 - (d) all of section 201.42; and
 - (e) all of section 201.43.

(Authorized by K.S.A. 2-1427; implementing K.S.A. 2-1423; effective Dec. 12, 1994.)

Article 3.—COMMERCIAL FEEDING STUFFS

4-3-47. Adoption by reference. The definitions of feed ingredients and feed terms adopted by the "Association of American Feed Control Officials," as published on pages 110 through 211 of the "Official Publication of Association of American Feed Control Officials Incorporated" on January 1, 1993, are adopted by reference and shall apply to commercial feeding stuffs in this state. Copies of these definitions and terms may be obtained from the office of the agricultural commodity assurance program, division of inspections of the state board of agriculture, Topeka, Kansas. (Authorized by K.S.A. 2-1013; implementing K.S.A. 2-1002 and 2-1013; effective May 1, 1981; amended May 1, 1982; amended May 1, 1984; amended May 1, 1988; amended Oct. 21, 1991; amended Dec. 12, 1994.)

4-3-49. Good manufacturing practices—adoption by reference. Part 225 of title 21 of the code of federal regulations, revised as of April 1, 1993, is hereby adopted by reference and shall apply to good manufacturing practices for the production of commercial feed-

ing stuffs in Kansas. Copies of the regulations, or pertinent portions of the regulations, are available from the office of the agricultural commodity assurance program, division of inspections, Kansas state board of agriculture, Topeka, Kansas. (Authorized by and implementing K.S.A. 2-1013; effective, T-88-46, Nov. 10, 1987; effective May 1, 1988; amended Oct. 21, 1991; amended Dec. 12, 1994.)

Article 7.—MILK AND DAIRY PRODUCTS

4-7-900. Civil penalty; complaint. (a) Each complaint for the assessment of a civil penalty shall include:

(1) a statement reciting the section of the act author-

izing the assessment of a civil penalty;

- (2) a specific reference to each provision of the act or implementing regulation which respondent is alleged to have violated;
- (3) a concise statement of the factual basis for each alleged violation;
- (4) the amount of the civil penalty which is proposed to be assessed; and
- (5) the notice of respondent's right to request a hearing on any material fact contained in the complaint or on the appropriateness of the amount of the proposed civil penalty. This notice may be incorporated within the complaint or set forth in a separate document.
- (b) Each respondent shall be served a notice of a prehearing conference in accordance with the Kansas administrative procedures act, K.S.A. 77-501 et seq. (Authorized by K.S.A. 75-1401 and K.S.A. 65-720n; implementing K.S.A. 65-770; effective Jan. 22, 1990; amended Dec. 12, 1994.)
- **4-7-901.** Answer to the complaint. (a) If a respondent contests any material fact upon which the complaint is based, contends that the amount of the civil penalty proposed in the complaint is inappropriate or contends that the respondent is entitled to judgment as a matter of law, the respondent may file a written answer to the complaint. If an answer is filed, the answer shall be filed with the designated hearing officer within 20 days after service of the complaint.
- (b) If an answer is filed, the respondent's answer shall be in writing. The answer shall clearly and directly admit, deny or explain each of the factual allegations contained in the complaint to which the respondent has any knowledge. Where the respondent has no knowledge of a particular factual allegation and so states, the allegation shall be deemed denied. The answer shall also state any circumstances or arguments which are alleged to constitute grounds of defense, and any facts which the respondent disputes and intends to place at issue. (Authorized by K.S.A. 75-1401 and K.S.A. 65-720n; implementing K.S.A. 65-770; effective Jan. 22, 1990; amended Dec. 12, 1994.)
- **4-7-904.** Informal settlement. (a) The respondent may request a settlement conference. The request may be contained either in respondent's answer to the complaint, if an answer is filed, or presented at the pre-hearing conference.
- (b) If a settlement is reached the parties shall reduce the settlement to writing and present the proposed writ-

ten consent agreement to the secretary or the secretary's designee. The consent agreement shall state that, for the purpose of the proceeding, respondent:

(I) Admits the jurisdictional allegations of the com-

plaint;

(2) admits the facts stipulated in the consent agreement;

(3) neither admits nor denies specific factual allega-

tions contained in the complaint; and

- (4) consents to the assessment of a stated civil penalty, if any is assessed. The consent agreement shall include any and all terms of the agreement and shall be signed by all parties or their counsel or representatives of record. (Authorized by K.S.A. 75-1401 and K.S.A. 65-720n; implementing K.S.A. 65-770; effective Jan. 22, 1990; amended Dec. 12, 1994.)
- **4-7-905.** Adjusting the amount of the proposed civil penalty. (a) Each respondent shall present all evidence on the issue of adjustment of the proposed civil penalty at the settlement conference. Such evidence may include mitigating factors or new evidence not previously known to the agency at the time the complaint was issued.
- (b) Upon presentation by the respondent of new evidence establishing facts and circumstances that were unknown to the secretary at the time the complaint was issued and which relate to the gravity of the violation, a new civil penalty may be proposed.

(1) When these additional facts establish that respondent did not commit the violations charged, the com-

plaint shall be dismissed.

(2) When the new evidence reveals additional charges should have been filed, a new complaint containing appropriate additional civil penalties may be filed.

- (c) The burden shall be on the respondent to present evidence of any mitigating factors to support any requested reduction in the amount of the proposed civil penalty. The amount of the civil penalty may be reduced if the reduction serves the public interest.
- (d) The amount of a civil penalty shall not be reduced to less than \$100 per offense.
- (1) Whether or not a proposed civil penalty is reduced lies within the sole discretion of the secretary or the secretary's designee.
- (2) Reductions shall not occur unless evidence of mitigating factors has been presented by respondent. (Authorized by K.S.A. 75-1401 and K.S.A. 65-720n; implementing K.S.A. 65-770; effective Jan. 22, 1990; amended Dec. 12, 1994.)

Article 16.—MEAT AND MEAT PRODUCTS INSPECTION

- **4-16-1a.** Definitions. (a) Each reference to "the act" or "act" in the portions of the code of federal regulations adopted by reference in K.A.R. 4-16-1c shall mean K.S.A. 65-6a18 et seq.
- (b) Each reference to "secretary" or to "administrator" in the portions of the code of federal regulations adopted by reference in K.A.R. 4-16-1c shall mean the secretary of the state board of agriculture.
- (c) Each reference to any "form," either by number or by any other designation, in the portions of the code of

federal regulations adopted by reference in K.A.R. 4-16-1c shall mean a form supplied by the meat and poultry inspection program of the inspections division of the state board of agriculture.

(d) Each reference to "U.S." or "the United States" in the portions of the code of federal regulations adopted by reference in K.A.R. 4-16-1c shall mean Kansas or the

state of Kansas as appropriate.

- (e) Each reference to "program" or to "food safety and inspection service" in the portions of the code of federal regulations adopted by reference in K.A.R. 4-16-1c shall mean the meat and poultry inspection program of the inspections division of the state board of agriculture.
- (f) Each reference to "not for sale," when used in the context of labeling product produced in a custom plant, in the portions of the code of federal regulations adopted by reference in K.A.R. 4-16-1c shall mean "custom—not
- (g) Each reference to "official establishment" in the portions of the code of federal regulations adopted by reference in K.A.R. 4-16-1c shall mean any permanently located building or adjacent premises where cattle, sheep, swine, goats, horses, mules and other equine, domestic rabbits, buffalo, or poultry capable of use as human food are slaughtered; or where the carcasses of these animals or poultry are cut, boned, smoked, salted, canned, packed, rendered, or otherwise processed.

(h) Each reference to "commerce" in the portions of the code of federal regulations adopted by reference in

K.A.R. 4-16-1c shall mean intrastate commerce.

(i) Each reference to "federal food, drug and cosmetic act" in the portions of the code of federal regulations adopted by reference in K.A.R. 4-16-1c shall mean the "Kansas food, drug and cosmetic act" (K.S.A. 65-655 et

- (j) Each reference to any dollar limitation per calendar year set by the administrator found in section 303.1(d)(2)(iii)(b) in the portions of the code of federal regulations adopted by reference in K.A.R. 4-16-1c shall mean \$33,000.00. (Authorized by K.S.A. 65-6a44; implementing K.S.A. 65-6a20, 65-6a21, 65-6a22, 65-6a23, 65-6a25 and 65-6a30; effective May 1, 1982; amended May 1, 1986; amended Jan. 1, 1989; amended Jan. 21, 1991; amended Jan. 25, 1993; amended Dec. 12, 1994.)
- **4-16-1c.** Adoption by reference. (a) The following sections of title 9 of the code of federal regulations, revised as of January 1, 1994, and amended and supplemented by federal register publications dated February 14, 1994, March 17, 1994, March 28, 1994, and April 26, . 1994, are hereby adopted by reference:

(1) all of part 301 except subparagraphs (h), (ii), (aaa),

(kkk), and (rrr) of part 301.2;

(2) all of part 302 except section 302.2;

(3) all of part 303 except section 303.2; (4) all of parts 304 through 306 inclusive;

(5) all of part 307 except sections 307.5 and 307.6;

(6) all of parts 308 through 311 inclusive;

- (7) all of part 312 except sections 312.7 and 312.8;
- (8) all of parts 313 through 316 inclusive; and
- (9) all of part 317 except section 317.7;

- (10) all of parts 318 through 320 inclusive except sections 319.15(a), 319.15(b) and 319.15(e);
 - (11) all of part 325 except section 325.3;
 - (12) all of part 329 except 329.8 and 329.9.
- (b) Copies of this material or the pertinent portions thereof are available from the division of inspections of the state board of agriculture, Topeka, Kansas. (Authorized by K.S.A. 65-6a44; implementing K.S.A. 65-6a20, 65-6a21, 65-6a22, 65-6a23, 65-6a25 and 65-6a30; effective May 1, 1986; amended May 1, 1988; amended Jan. 1, 1989; amended Jan. 21, 1991; amended Jan. 25, 1993; amended Dec. 12, 1994.)

4-16-300. Civil penalty; complaint. (a) Each complaint for the assessment of a civil penalty shall include:

(1) a statement reciting the section of the act author-

izing the assessment of a civil penalty;

(2) a specific reference to each provision of the act or implementing regulation which respondent is alleged to have violated;

(3) a concise statement of the factual basis for each alleged violation;

(4) the amount of the civil penalty which is proposed

to be assessed; and

(5) the notice of respondent's right to request a hearing on any material fact contained in the complaint or on the appropriateness of the amount of the proposed civil penalty. This notice may be incorporated within the complaint or set forth in a separate document.

(b) Each respondent shall be served a notice of a prehearing conference in accordance with the Kansas administrative procedures act, K.S.A. 77-501 et seq. (Authorized by K.S.A. 65-6a44; implementing K.S.A. 65-6a56; effective July 1, 1992; amended Dec. 12, 1994.)

4-16-301. Answer to the complaint. (a) If a respondent contests any material fact upon which the complaint is based, contends that the amount of the civil penalty proposed in the complaint is inappropriate or that the respondent is entitled to judgment as a matter of law, the respondent may file a written answer to the complaint. If an answer is filed, the answer shall be filed with the designated hearing officer within 20 days after service of the complaint.

(b) If an answer is filed, the respondent's answer shall

be in writing.

(1) The answer shall clearly and directly admit, deny or explain each of the factual allegations contained in the complaint to which the respondent has any knowl-

(2) Where the respondent has no knowledge of a particular factual allegation and so states, the allegation

shall be deemed denied.

- (3) The answer shall also state any circumstances or arguments which are alleged to constitute grounds of defense, and any facts which the respondent disputes and intends to place at issue. (Authorized by K.S.A. 65-6a44; implementing K.S.A. 65-6a56; effective July 1, 1992; amended Dec. 12, 1994.)
- 4-16-304. Informal settlement. (a) The respondent may request a settlement conference. The request may be contained either in respondent's answer to the com-

plaint, if an answer is filed, or presented at the prehearing conference.

(b) If a settlement is reached, the parties shall reduce the settlement to writing and present the proposed written consent agreement to the secretary or the secretary's designee. The consent agreement shall state that, for the purpose of the proceeding, respondent:

(1) Admits the jurisdictional allegations of the com-

plaint;

(2) admits the facts stipulated in the consent agreement;

(3) neither admits nor denies specific factual allega-

tions contained in the complaint; and

- (4) consents to the assessment of a stated civil penalty, if any is assessed. The consent agreement shall include any and all terms of the agreement and shall be signed by all parties or their counsel or representatives of record. (Authorized by K.S.A. 65-6a44; implementing K.S.A. 65-6a56; effective July 1, 1992; amended Dec. 12, 1994.)
- 4-16-305. Adjusting the amount of the proposed civil penalty. (a) Each respondent shall present all evidence on the issue of adjustment of the proposed civil penalty at the settlement conference. Such evidence may include mitigating factors or new evidence not previously known to the agency at the time the complaint was issued.
- (b) Upon presentation by the respondent of new evidence establishing facts and circumstances that were unknown to the secretary or to the secretary's duly authorized agent at the time the complaint was issued and which relate to the gravity of the violation, a new civil penalty may be proposed. When these additional facts establish that respondent did not commit the violations charged, the complaint shall be dismissed. When the new evidence reveals additional charges should have been filed, a new complaint proposing appropriate additional civil penalties may be filed.

(c) The burden shall be on the respondent to present evidence of any mitigating factors to support any requested reduction in the amount of the proposed civil penalty. The amount of the civil penalty may be reduced

if the reduction serves the public interest.

(d) The amount of a civil penalty shall not be reduced to less than \$100 per offense.

(1) Whether or not a proposed civil penalty is reduced lies within the sole discretion of the secretary or the se-

cretary's duly authorized representative.

(2) Reductions shall not occur unless evidence of mitigating factors has been presented by respondent. (Authorized by K.S.A. 65-6a44; implementing K.S.A. 65-6a56; effective July 1, 1992; amended Dec. 12, 1994.)

Article 17.—POULTRY AND POULTRY PRODUCTS INSPECTION

4-17-1e. Adoption by reference. (a) The following sections of title 9 of the code of federal regulations, revised as of January 1, 1994, and amended and supplemented by federal register publication dated March 28, 1994, are hereby adopted by reference:

(1) all of section 381.1 except subparagraphs (33), (50),

(52), (53), (61) and (62) of subsection b;

(2) all of sections 381.3 through 381.7 inclusive;

- (3) all of sections 381.10 through 381.33, except sections 381.11, 381.12 and 381.31;
- (4) all of sections 381.36 through 381.182 inclusive; except section 381.38(b);
- (5) all of sections 381,189 through 381,194 inclusive except section 381.192.;
- (6) all of sections 381.210 through 381.218 inclusive;
 - (7) all of sections 381.300 through 381.311 inclusive.
- (b) Copies of this material or the pertinent portions thereof are available from the division of inspections of the state board of agriculture, Topeka, Kansas. (Authorized by K.S.A. 65-6a44; implementing K.S.A. 65-6a20, 65-6a21, 65-6a22, 65-6a23, 65-6a25 and 65-6a30; effective Jan. 1, 1989; amended Jan. 21, 1991; amended Jan. 25, 1993; amended Dec. 12, 1994.)
- 4-17-5a. Exemptions. (a) Notwithstanding the provisions of subsection (3) of subparagraph (a) of K.A.R. 4-17-1c, the following provisions of section 381.10 of title 9 of the code of federal regulations shall not be adopted by reference:
- (1) all language in section 381.10(a)(3) after the colon following the word employees;
- (2) all language in section 381.10(a)(4) after the colon following the word food;
- (3) the language contained in sections 381.10(a)(5)(i) and 381.10(a)(5)(ii);
- (4) the language contained in sections 381.10(a)(6)(i) and 381.10(a)(6)(ii); and
- (5) the last two sentences contained in section 381.10(d)(2)(iii)(b).
- (b) The dollar limitation referred to in section 381.10(d)(2)(iii)(b) of title 9 of the code of federal regulations adopted by reference in K.A.R. 4-17-1c shall be \$33,000.00.
- (c) The number 20,000 contained in section 381.10(b)(1) of title 9 of the code of federal regulations adopted by reference in K.A.R. 4-17-1c shall be reduced to the number 1000.
- (d) The term "poultry" used in sections 381.10(b)(1) and 381.10(c)(1) of title 9 of the code of federal regulations adopted by reference in K.A.R. 4-17-1c shall mean poultry unit. For the purpose of this regulation, poultry units shall be computed by using .25 units for each goose or turkey and one unit for each chicken or other bird. (Authorized by K.S.A. 65-6a44; implementing K.S.A. 65-6a31; effective Jan. 1, 1989; amended Jan. 25, 1993; amended Dec. 12, 1994.)
- 4-17-300. Civil penalty; complaint. (a) Each complaint for the assessment of a civil penalty shall include:

(1) a statement reciting the section of the act author-

izing the assessment of a civil penalty;

- (2) a specific reference to each provision of the act or implementing regulation which respondent is alleged to have violated;
- (3) a concise statement of the factual basis for each alleged violation;
- (4) the amount of the civil penalty which is proposed to be assessed; and
- (5) the notice of respondent's right to request a hearing on any material fact contained in the complaint or on the appropriateness of the amount of the proposed

civil penalty. This notice may be incorporated within the complaint or set forth in a separate document.

- (b) Each respondent shall be served a notice of a prehearing conference in accordance with the Kansas administrative procedures act, K.S.A. 77-501 et seq. (Authorized by K.S.A. 65-6a44; implementing K.S.A. 65-6a56; effective July 1, 1992; amended Dec. 12, 1994.)
- **4-17-301.** Answer to the complaint. (a) If a respondent contests any material fact upon which the complaint is based, contends that the amount of the civil penalty proposed in the complaint is inappropriate or that the respondent is entitled to judgment as a matter of law, the respondent may file a written answer to the complaint. If an answer is filed, the answer shall be filed with the designated hearing officer within 20 days after service of the complaint.

(b) If an answer is filed, respondent's answer shall be

in writing.

(1) The answer shall clearly and directly admit, deny or explain each of the factual allegations contained in the complaint to which the respondent has any knowledge.

(2) Where the respondent has no knowledge of a particular factual allegation and so states, the allegation

shall be deemed denied.

- (3) The answer shall also state any circumstances or arguments which are alleged to constitute grounds of defense, and any facts which the respondent disputes and intends to place at issue. (Authorized by K.S.A. 65-6a44; implementing K.S.A. 65-6a56; effective July 1, 1992; amended Dec. 12, 1994.)
- **4-17-304.** Informal settlement. (a) The respondent may request a settlement conference. The request may be contained either in respondent's answer to the complaint, if an answer is filed, or presented at the prehearing conference.

(b) If a settlement is reached, the parties shall reduce the settlement to writing and present the proposed written consent agreement to the secretary or the secretary's designee. The consent agreement shall state that, for the purpose of the proceeding, respondent:

(1) Admits the jurisdictional allegations of the com-

plaint;

(2) admits the facts stipulated in the consent agreement:

- (3) neither admits nor denies specific factual allegations contained in the complaint; and
- (4) consents to the assessment of a stated civil penalty, if any is assessed. The consent agreement shall include any and all terms of the agreement and shall be signed by all parties or their counsel or representatives of record. (Authorized by K.S.A. 65-6a44; implementing K.S.A. 65-6a56; effective July 1, 1992; amended Dec. 12, 1994.)
- **4-17-305.** Adjusting the amount of the proposed civil penalty. (a) Each respondent shall present all evidence on the issue of adjustment of the proposed civil penalty at the settlement conference. Such evidence may include mitigating factors or new evidence not previously known to the agency at the time the complaint was issued.
- (b) Upon presentation by the respondent of new evidence establishing facts and circumstances that were unknown to the secretary or to the secretary's duly authorized agent at the time the complaint was issued and which relate to the gravity of the violation, a new civil penalty may be proposed. When these additional facts establish that respondent did not commit the violations charged, the complaint shall be dismissed. When the new evidence reveals additional charges should have been filed, a new complaint proposing appropriate additional civil penalties may be filed.
- (c) The burden shall be on the respondent to present evidence of any mitigating factors to support any requested reduction in the amount of the proposed civil penalty. The amount of the civil penalty may be reduced if the reduction serves the public interest.

(d) The amount of a civil penalty shall not be reduced to less than \$100 per offense.

(1) Whether or not a proposed civil penalty is reduced lies within the sole discretion of the secretary or the secretary's duly authorized representative.

(2) Reductions shall not occur unless evidence of mitigating factors has been presented by respondent. (Authorized by K.S.A. 65-6a44; implementing K.S.A. 65-6a56; effective July 1, 1992; amended Dec. 12, 1994.)

Phillip A. Fishburn Acting Secretary of Agriculture

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